

101 549759 Is Not In Column Date *Base*

Request for Legal Staff Consideration

RECEIVED

Serial No.

10/549759

12 OCT 2005

Date:

10/6/05

Legal Staff
International Division

Request :

☐

Petition To Revive Unintentionally Abn. Appl.

☐

Petition under Rule 1.47

☒

Other :

Applicant Used 371 Transmittal in
error - Applicant should have
been filed as a 171 application
see attached petition and
See Transmittal

Requestor :

Supervisor :

C. Shih

Response :

Response:

By :

Date :

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001-

12:01

BURNS DOANE SWECKER MATHI

P.01/07

Buchanan Ingersoll PC
ATTORNEYS

Facsimile Cover

Buchanan Ingersoll PC
Including the attorneys of
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Date: Oct. 6, 2005

TO: Rita White/PTO

Fax Number: 703 302 3479

Company: PTO

Telephone: 703 308 9140 x231

Your Reference: PCT#10549759

FROM: Brian O'Shaughnessy

Telephone: 703 838 6659

Our Reference: 034384-003

Sent By: Sally Dankers

Number of Pages 8
Including Cover:

Message:

11/09/2005 CS0001 00000002 024800 10549759
Sale Ref: 00000002 DAH: 024800 10549759
01 FC:1462 400.00 DA

034284-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	Mail Stop Petitions
Ignacio Blanco Blanco)	Group Art Unit:
Application No.: PCT#10549759)	Examiner:
Filed: September 19, 2005)	Confirmation No.:
For: USE OF ALPHA-1 ANTITRYPSIN FOR)	
THE PREPARATION OF)	
MEDICAMENTS FOR THE)	
TREATMENT OF FIBROMYALGIA)	

PETITION TO CONVERT §371 APPLICATION TO §111 APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Commissioner is respectfully requested under 37 CFR §1.182 to reclassify the referenced application as a utility application. The filing fee of \$1400.00, Transmittal Letter and Petition Fee is submitted concurrently with this petition.

The application was inadvertently designated as a §371 application, when it should have been filed as a utility application claiming benefit of an earlier foreign filed application under 35 U.S.C. §119. The designation was inadvertent, unintentional and without deceptive intent. Applicants request that the application be accorded its actual filing date at the U.S. Patent and Trademark Office, i.e., September 19, 2005 as requested in the transmittal papers inadvertently designating §371. Enclosed is a copy of the date stamped postcard indicating receipt by the U.S. Patent and Trademark Office of the §371 application on September 19, 2005.

This application was filed September 19, 2005, with an executed Declaration.

Buchanan Ingersoll PC
ATTORNEYS

(8/05)

Petition To Convert §371 Application To §111 Application
Application No. PCT#10549759
Attorney's Docket No. 034284-003
Page 2

The Petition fee of \$130.00 37 CFR §1.17(h) is authorized to be charged to our Deposit Account 02-4800.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§1.16 and 1.17 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL PC (INCLUDING ATTORNEYS FROM BURNS
DOANE SWECKER & MATHIS)

Date: October 6, 2005

By:


Brian R. O'Shaughnessy
Registration No. 32,747

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

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PCT Postcard

Applicant/

Inventor: Ignacio Blanco Blanco

Appln. No.:

Docket No.: 034284-003

Working Atty.: BOS/spd

Date: September 19, 2005

Title: USE OF ALPHA-1 ANTITRYPSIN FOR THE PREPARATION OF MEDICAMENTS FOR THE TREATMENT OF FIBROMYALGIA



The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

☐ Transmittal Letter to the U.S. Receiving Office/Response to Invitation (PTO-1382)

☒ Transmittal Letter to U.S. Designated/Elected Office (DO/EQ/US) Concerning Filing Under 35 USC 371 (PTO-1390)

☐ PCT Request (PCT/RO/101) () pgs.

INCLUDING:

☒ Specification (pages 1 - 16)

☒ Claims (claims(s) 1 - 16 , 3 pgs.)

☐ Drawings (Fig(s). 1 - , pgs.)

☒ Abstract of the Disclosure

☐ PCT Fee Calculation Sheet Annex to the Request (PCT/RO/101 (Annex))

☐ PCT Demand (PCT/IPEA/401) International Preliminary Examination Report

☐ PCT Fee Calculation Sheet Annex to Demand for Int'l. Preliminary Exam. (PCT/IPEA/401 (Annex))

☐ PCT Notice of Confirmation of Precautionary Designations (PCT/RO/144)

☒ Executed Declaration/Power of Attorney

☐ Unexecuted Declaration/Power of Attorney

☒ Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)

☐ Appointment of Agent

☐ Preliminary Amendment

☐ Information Disclosure Statement Transmittal

☐ Information Disclosure Citation (PTO-1449)

☐ Information Disclosure Statement w/ document(s)

☒ Patent Application Data Sheet

☐ Gen. Authorization for Petition for Ext. of Time and Payment of Fees

☐ Diskette

☐ Check for \$ is enclosed

☐ Check for \$ is enclosed

☒ Charge \$ 1,400.00 to Deposit Account

☐ Charge \$ to credit card. Form PTO-2038 is attached.

☒ certified copy of priority application 200402282


If submitting documents via Express Mail, provide the Express Mailing Label No. below:

Express Mail Mailing Label No.

Attorney Docket No. Patent
034284-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

UTILITY PATENT
APPLICATION TRANSMITTAL LETTERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Customer Number **21839**

Sir:

Enclosed for filing is the utility patent application entitled:

USE OF ALPHA-1 ANTITRYPSIN FOR THE PREPARATION OF MEDICAMENTS FOR THE
TREATMENT OF FIBROMYALGIA

by the following named inventor(s):

Ignacio Blanco Blanco

☐ Applicant(s) suggests Figure ____ for inclusion on the front page of the patent application publication and patent.☒ Applicant(s) requests that the published application include the following assignment information:
Probitas Pharma S.A.☐ Small entity status is claimed.

Also enclosed are:

DRAWINGS: _____ sheets of drawings**DECLARATION:** ☐ will follow ☒ executed, is enclosed ☐ unexecuted, is enclosed**ASSIGNMENT:** ☒ is enclosed ☐ will follow**Buchanan Ingersoll PC**
ATTORNEYS

Including attorneys from Burns Doane Swecker & Mathis

Page 1 of 3
(8/05)

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Attorney Docket No. 034284-003

Application No. N/A

**CLAIM FOR
PRIORITY
UNDER
35 U.S.C.
§ 119 and/or
365:**

☒ is made in the declaration☐ is hereby made as follows

Country	Appl. No.	Filing Date MM-DD-YYYY
Spain	200402282/25	09-24-2004

☒ certified copy(ies) enclosed☐ certified copy(ies) will followOTHER PAPERS: ☐ A General Authorization for Petitions for Extensions of Time and Payment of Fees.☐ An Information Disclosure Statement.☒ An Application Data Sheet (ADS).☐☒ The filing fee has been calculated as follows ☐ and in accordance with the enclosed preliminary amendment:

CLAIMS					
	No. of Claims		Extra Claims	Rate	Fee
Basic Application Filing Fee (1011)					\$ 300.00
Examination Fee (1311)					\$ 200.00
Search Fee (1111)					\$ 500.00
Total Claims	16	MINUS 20 =	0	x \$50.00 (1202) =	\$ 0.00
Independent Claims	5	MINUS 3 =	2	x \$200.00 (1201) =	\$ 400.00
If multiple dependent claims are presented, add \$360.00 (1203)					
App. Size Fee (apps.+dwgs. exceeding 100 sheets) - \$250.00 for each 50 sheets (1081)					
Total Application Fee					\$ 1,400.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Application Fee					\$ 0.00
Add Assignment Recording Fee of \$40.00 (8021) if Assignment document is enclosed.					
TOTAL APPLICATION FEE DUE					\$ 1,400.00

☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.

Buchanan Ingersoll PC
ATTORNEYS

Including attorneys from Burns Doane Swecker & Mathis

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Attorney Docket No. 034284-003Application No. N/A

- ☒ Charge \$ 1,400.00 to Deposit Account No. 02-4800 for the fee due.
- ☐ A check in the amount of _____ is enclosed for the fee due.
- ☐ Charge _____ to credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Please address all correspondence concerning this application to:

Buchanan Ingersoll PC
Including attorneys from Burns, Doane, Swecker & Mathis
Customer Number 2 1 8 3 9
P.O. Box 1404
Alexandria, VA 22313-1404

Respectfully submitted,

BUCHANAN INGERSOLL PC

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Filed: Oct. 6, 2005

By


Brian P. O'Shaughnessy
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